

REMARKS

The allowance of claims 1-12 and 49 over the prior art of record is acknowledged.

The examiner has rejected claims 20-51 under 35 USC 112, second paragraph, as being indefinite.

More specifically, claims 20-22 are said to be indefinite because they lack sufficient structure to perform the function, "for maintaining a first said electrode in either a sealed mode ... or an unsealed mode." The examiner indicates that, "The term 'compartment' is insufficient to support this function since compartments are not required to be openable and closable without further description." Applicants disagree with the examiner's conclusion that the compartment of these claims must be closable. There is nothing in the claims or the specification that requires that the compartment enclosing the electrodes be closable.

Notwithstanding that they believe the claims meet the requirements of 35 USC 112, paragraph 2, as they stand, applicants have amended claims 20-22, and claim 23 and 26, as well, to add further recitation of structure, by specifying that the compartment "be sized and configured to enclose a first said electrode and to maintain the first said electrode in either a sealed mode ... or unsealed mode."

Applicants also disagree with the examiner's conclusions about the ordinary meaning of "compartment". The examiner seems to be suggesting that the word implies that there are two enclosures; in other words, that it implies the two compartment embodiment disclosed in the specification. That is our interpretation of the examiner's remark that the word normally refers to a "separate section" (perhaps we have misunderstood the examiner). That interpretation of compartment is not a reasonable one. In the first place, the word certainly does not, in ordinary usage, require a second enclosure, but can just as easily be used to refer to a structure with a single enclosure. And usage in the specification is not in conflict with that ordinary meaning. In those instances in which an embodiment has more than one compartment, the compartments are referred to as first and second compartments (e.g., col. 1, lines 13 et seq.). In claims 20-22, the word is used in the singular, and thus only a single compartment is required. Obviously, the claim would still cover a package that had a second compartment, but only one is required.

Particularly as now amended, claims 20-22 do not suffer from any indefiniteness. The compartment must be of a size and a configuration that will enclose the electrode, and that will maintain it in either a sealed mode or an unsealed mode.

The examiner has made the same rejection under 35 USC 112, second paragraph, of claims 23 and 26. As noted earlier, the same amendment made to claims 20-22 has been made to claims 23 and 26. The same reasoning given above as to why claims 20-22, particularly as amended, are sufficient under 35 USC 112, second paragraph, applies equally to claims 23 and 26.

The examiner has also rejected claim 23 under 35 USC 112, second paragraph, in view of the last several functional recitations in lines 16-23 of the claim (the indented recitations after "wherein"). As these recitations do not add structural limitations to the claim, they have been deleted.

The examiner has rejected claim 42 under 35 USC 112, second paragraph, for its use of the functional language, "for relieving strain on the wire lead," with insufficient recitation of structure. Applicants disagree that there is insufficient recitation of structure. The claim, after all, calls out "strain relief elements," which have a well understood meaning to one of ordinary skill in the art. No additional structural limitation is required. Would the examiner reject a claim drawn to a chair in which an element read "four legs for supporting the seat of the chair". There is nothing indefinite about that claim, and nothing indefinite about claim 42.

The examiner continues to reject claims 13, 15, 16, 19, 23, 24, and 46 under 35 USC 102(b) as being anticipated by Engel, claims 16, 17, 19, 43, and 44 under 35 USC 103(a) as being unpatentable over Gilman in view of Engel, and claim 50 under 35 USC 103(a) as being unpatentable over Engel in view of Gilman. In each case, the rejections depend on an overly broad, and unreasonable, interpretation of the word, "connector." A mere continuous metal conductor is not a connector in the ordinary usage of that term. But to clarify the meaning of the word, applicants have amended the affected claims to require that the connector comprise terminals adapted to make and break an electrical connection. With this amendment, the claims are without question allowable over the prior art, as there is no suggestion anywhere in the prior art of providing a connector with terminals positioned as called for in the claims.

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Accordingly, the claims as amended are submitted to be in condition for allowance.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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